

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, APRIL 19, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 19, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Ed Davis, Andy Dunn, Darren Jones, Helen Spann, George Stockton and Scott Seiber

Board Members Absent: Bill Whitaker

Also Present: Candace Dowdy, Sam Perry, David Roberts, Mike Pitman, Kristen Taylor, Raquel Armstrong, Daryl Cain, Barbara Campbell, Pat Cherry, Kerry Stone, Tung Dinh, Kim Oatman, J.T. Lee, Janet Kirk, Peter O'Rourke, Russell Schneider, Greg Poole, Richard Hoffman, Murray State Land Use Planning students and other public audience

Acting Chair, Helen Spann called the meeting to order at 4:30 p.m., and welcomed the guests and applicants. Chair Spann requested approval of the February 22, 2006 regular meeting minutes. **Scott Seiber made a motion to approve the minutes as presented. Darren Jones seconded the motion and the motion carried with a 6-0 voice vote.** Chair Spann requested approval of the April 3, 2006 special meeting minutes. **Scott Seiber made a motion to approve the minutes as presented. Ed Davis seconded the motion and the motion carried with a 6-0 voice vote.**

Dimensional Variance Request For Recreational Vehicle In Front Yard—1000 Sharpe Street—James and Raquel Armstrong: Candace Dowdy stated that the property owner of 1000 Sharpe Street is William Mclean and the tenants of the residence are James and Raquel Armstrong. The Armstrongs have a recreational vehicle (RV) parked in the front driveway. Ms. Dowdy stated that there were some complaints and inquiries about the RV parked in the driveway at the residence. Staff notified the Armstrongs verbally and by letter that the RV was to be parked in a side or rear yard only, and that it would have to be moved or an application for a variance be made. Ms. Dowdy stated that although the RV is not actually in the front yard/grassy area, it is within the front building setback area. Mr. Armstrong is a union electrician and travels for his job, taking the RV with him. At other times, the RV stays on the property. No one lives in the RV, while it is parked at the residence, but it is occasionally used for satellite TV viewing. There is no way to move the RV to a side or rear yard, without going over an adjacent property line. There is only three (3') feet between the home and the neighboring property on the west side, and only about two (2') feet on the east side. Ms. Dowdy presented photos of the property. Andy Dunn asked how long the RV has been parked there. Ms. Dowdy stated that it was not there the day before, but does typically stay for several days at a time. Ms. Dowdy read the zoning regulations regarding the parking of major recreational vehicles. Ms. Dowdy stated that the board denied a similar request in the past at 2213 Gatesborough Circle. Scott Seiber questioned why the awning was out on the RV. Darren Jones

asked if the area where the van was parked, along the street, was graveled. Ms. Dowdy confirmed that it was.

Chair Spann swore in Raquel Armstrong. Ms. Armstrong stated that the awning was out to show to an interested buyer. Ms. Armstrong stated that their van is normally parked in the driveway, not along the street. Ms. Armstrong stated that she had spoken with the Boyds and their preference was for them not to use the neighboring drive. Ms. Armstrong stated that the Boyds have requested them several times to not drive over the driveway edging, so they have not pursued accessing the rear yard, as a result. Ms. Armstrong stated that her husband travels eight (8) to ten (10) months of the year and the longest time that the RV is there is a month. Ms. Armstrong stated that Mr. Armstrong was currently away working. Scott Seiber stated that he feels strongly about this issue, and that it could set a precedent, if the board were to allow it. Mr. Seiber stated that he understands that Mr. Armstrong may need the RV for his career, but he is concerned about the long term effects of making an exception. Ed Davis agreed. The board discussed a time limit, to allow the Armstrongs time to sell or move the RV. **Scott Seiber made a motion to deny the parking of a recreational vehicle in the driveway at 1000 Sharpe Street and gave the owners until July 31, 2006 to remove the recreational vehicle, based on the fact that city regulations prohibit such parking of recreational vehicles. George Stockton seconded the motion and the motion carried with a 6-0 vote.**

Dimensional Variance Request For Additional Signage—Cain’s Inc.—1400 North 12th Street—Daryl Cain: Candace Dowdy stated that Cain’s had just completed a new façade. Ms. Dowdy stated that Cain’s is requesting additional wall signs, as well as some changes to the freestanding sign. Ms. Dowdy stated that Cain’s would be allowed one wall sign of 85 square feet on the new façade. Ms. Dowdy stated that Cain’s is requesting a 9.71 square foot “Cains” sign, with three additional wall signs: “Chrysler”-19 square feet, “Jeep”-10 square feet and “Dodge”-10.9 square feet. Ms. Dowdy stated that the overall total is less than 50 square feet, but does need a variance for three additional wall signs, since one is the maximum per wall. There will be a similar 9.71 square foot “Cains” sign on the side facing Northwood Drive, which is within the 5%, and is allowed, because of the building facing a secondary street. Ms. Dowdy stated that these types of businesses do pay rent for the signage to the corporate office. The corporate office handles the maintenance. Ms. Dowdy stated that the freestanding sign received an 80 square foot variance (totaling 160 square feet) and a four (4’) foot height variance in 1991. The existing sign is 28’ in height. Cains requests to be allowed to reface the four (4) panels of the nonconforming sign. The graphic look of the panel is different, but the basic content is the same. Scott Seiber stated that the new façade is an attractive improvement. Scott Seiber asked if the structure or size of the freestanding sign was going to change. Ms. Dowdy stated that it would not. Ms. Dowdy stated that the cars along Frontage Road were going to be moved behind the bollards. Scott Seiber asked why Cains was only using 50 of the allowable 80 square feet of wall signage. Darren Jones asked what wall signs were there previously.

Chair Spann swore in Daryl Cain. Mr. Cain stated that they had previously removed the “Jeep” and “Eagle” signs on each end of the storefront. Mr. Cain stated that the corporate office has been requesting the wall sign changes for the past two (2) years. Now that the façade is completed, it will fit better with the added height. Mr. Cain stated that the larger wall signs are

cost prohibitive. **Ed Davis made a motion to grant the variance request for the requested three (3) additional wall signs on the front façade as well as the requested changes to the freestanding sign based on the findings that the changes to the freestanding sign panels are not substantial, there is a special circumstance that the change is required by the corporate office, the total requested square footage of the wall signs is less than the overall maximum allowed and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations. Scott Seiber seconded the motion and the motion carried with a 6-0 vote.**

**Dimensional Variance Request On Freestanding Sign And Two Additional Wall Signs—
110 North 12th Street—Campbell Auction & Real Estate—Jim Tate & Barbara Campbell:**

Sam Perry stated that this was a unique situation because of the close proximity of the structure to the right-of-way. Mr. Perry stated that this was most recently the 12th Street Floral building. Ms. Campbell would like to place signage on three sides of the building, as well as use the existing, nonconforming sign pole. It is a nine (9') foot high decorative light pole, with a projecting, hanging sign bracket. The oval hanging sign would be the same size as 12th Street Floral, approximately 2' x 4'. The building is only set back approximately 13.5' from the right-of-way. The requested wall signs are under the maximum allowed for the respective wall, but a variance is required, because only one (1) wall sign is permitted for this building. Requested signs: north side - six (6') feet x eight (8') feet, south and west sides – three (3') feet x three and a half (3.5') feet. Chair Spann swore in Barbara Campbell. Scott Seiber asked what the exterior plans for the building were. Ms. Campbell stated that plans were to paint the entire building the same color red as the real estate office, along with white trim and to replace the front glass panels with tinted glass. Ms. Campbell stated that she already had the two matching logo signs from a previous building, and that they would fit under the eaves on the two (2) sides. The logo signs are internally lit. Scott Seiber asked what the logo was. Ms. Campbell stated that it was a castle and home theme. Andy Dunn asked if the vent on the north side would be covered with the sign and if the sign would be lit. Ms. Campbell stated that it would cover the vent and the sign would not be lit. Andy Dunn asked if the parking lot was going to be paved. Ms. Campbell stated that she was planning on paving and was also planning to remove the retaining wall in the back to connect the parking areas. Ms. Campbell stated that the property line is within one (1') foot of the Coleman Real Estate office. Chair Spann asked if the pole sign would be able to be seen from the north. Ms. Campbell stated that the bush was in the way. Darren Jones asked if she was planning to have ground lighting on the pole sign. Ms. Campbell stated that she was just going to use the globes for lighting. Scott Seiber stated that a monument sign would not be feasible at this location unless it was very narrow, or there was a major setback variance. Chair Spann stated that people would associate the two (2) building together, since they would have similar color and insignias. Ms. Campbell stated that they were separate businesses. Scott Seiber was concerned with excessive signage on this building. Mr. Seiber stated that a maximum of 65 square feet on the north or south walls seemed excessive. Sam Perry stated that it was based on full width and height of the respective wall. Mr. Seiber asked why the biggest sign would be on the north. Ms. Campbell stated that it was because of more traffic. Ms. Campbell stated that she was not very concerned with the west or south wall signs. The board

agreed that the existing light pole was an attractive alternative. **Andy Dunn made a motion to grant the request to use the nonconforming sign pole for a two (2') foot by four (4') foot hanging sign, as well as a two (2') foot front setback variance based on the findings that there is inadequate space for a monument-style sign, that this is an attractive alternative to a monument-style sign for the 12th Street Corridor, that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations. Ed Davis seconded the motion and the motion carried with a 6-0 vote.**

Dimensional Variance Request For Accessory Structure In Sideyard—732 Fairlane Drive—Kerry Stone: Candace Dowdy stated that the front of the house faces South 9th Street and the side of the house actually faces Fairlane, which goes against the currently policy of 911 addressing. Ms. Dowdy presented photographs depicting the graveled area on the north side of the house, used for parking for the dance studio. The dance studio has been at this site for many years. The accessory structure was planned to be to the east of the graveled area, as depicted on the site plan. Because the principal structure faces the street, the area planned for the garage is being considered the sideyard. There is a very shallow rear yard, which would make it difficult to fit the garage. The PVA records show that this is two (2) separate lots. The parking lot is on a separate lot. This is an accessory structure to this principal residence. Access will be from the 9th Street entrance. Andy Dunn asked if the use of the structure was for personal storage. Ms. Dowdy stated that it would be for lawnmowers and other items. Ms. Dowdy stated that it would be 24' x 24'. Chair Spann asked if a vehicle would be stored there. Chair Spann questioned an accessory structure being placed on a lot by itself. Ms. Dowdy asked David Roberts if the lots would have to be consolidated. Mr. Roberts stated that it was a strong possibility. Mike Pitman recommended that the board consider making a condition that the lots not be separated. Mr. Pitman recommended that a deed reconveying the lot back to the owner would accomplish that condition. Chair Spann swore in Kerry Stone. Scott Seiber asked what the reason for not attaching the garage was. Mr. Stone stated that it was cheaper because of the reduced footer requirements. Ed Davis asked what the exterior would be. Mr. Stone stated that it would be metal or vinyl, and the main purpose was lawnmower or vehicle storage. Darren Jones asked if there would be utilities connected. Mr. Stone stated that electric would eventually be connected. The board desired the exterior of the structure to closely match the house. Mr. Stone stated that the structure would match the color of the vinyl in the eave of the house. Andy Dunn asked if the parking area would stay gravel. Mr. Stone stated that he planned to pave it. Candace Dowdy stated that a conditional use permit was granted to the Cochran's in 1962, for the dance studio. Mr. Stone stated that Mrs. Stone had been renting the dance studio when they decided to buy the home and continue the existing use of the property. **Scott Seiber made a motion to approve the requested accessory structure in the sideyard based on the findings that the lot is shallow and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations, with the conditions that the structure must match the color patterns of the house and that the two lots only be sold as one unit, not to be separated. Andy Dunn seconded the motion and the motion carried with a 6-0 vote.**

Ed Davis excused himself from the meeting due to a prior obligation.

Public Hearing To Review Request For Conditional Use Permit To Allow Daycare And Gymnasium In A B-1 Zoning District—807 & 809 Coldwater Road—Tung Dinh: Andy Dunn recused himself from this item, due to a financial conflict of interest with the applicant. There were four (4) members present, so the meeting continued. Ms. Dowdy stated that this property recently went through a rezoning. The rear of the property is now zoned B-1 (Neighborhood Business), and the front is still zoned B-2 (Highway Business). Mr. Dinh currently owns and operates a martial arts fitness center on Olive Boulevard as well as two (2) daycares in Murray. The rear portion was previously R-2. Surrounding the B-1 area on three (3) sides is still R-2 (Single-Family Residential), with a small section of R-4 (Multi-Family Residential) adjacent to the south. Mr. Dinh has plans to construct two (2) new buildings for the two (2) types of businesses. The martial arts center on Olive Boulevard is currently in a B-1 zoning district. The daycare on South 15th Street is in a B-1 zoning district and did receive a conditional use permit. Both of these types of business would be permitted in a B-2 zoning district. The site plan is only a preliminary drawing to request approval for the land use. The entrance and parking will be a crossover between both pieces of property. Neither business is a permitted use in the B-1 zone, but the zoning ordinance does allow the board to permit other businesses if approved through the conditional use permit process. Mr. Dinh is not looking for any variances at this time, because the city will be working with them on those details at a later date. Screening will be required where the property is adjacent to the residential zoning district. A five (5') foot high fence is planned. Green space with landscaping is planned. This may not be the final configuration of the buildings. The front part of the property will be left open for possible future development. If that is pursued, the planned development process will be required because of more than one principal structure on a lot. All adjoining property owners have been notified. Scott Seiber asked if the daycare building would be a consolidation of the two (2) existing daycares. Ms. Dowdy stated the applicant would have to explain those details. Ms. Dowdy stated that the applicants did not want to go any farther with plans until they found if both businesses would be allowed on this property. Ms. Dowdy stated that the planning department can not go any farther with parking requirements until there is a floor plan. Mr. Ward, an adjacent property owner called to inquire about the locations of the buildings. Mr. Ward's driveway is a shared driveway with one of Mr. Dinh's rental home driveways. The two rental homes will be demolished. Kim Oatman, professional engineer is the designing the development.

Chair Spann opened the public hearing. Chair Spann swore in Kim Oatman. Mr. Oatman stated that the buildings were planned for the rear of the lot because Mr. Dinh plans to install underground detention so that there is no increase of stormwater runoff from the site. The underground detention will be in front of the buildings. Mr. Oatman stated that Mr. Dinh sought B-1 (Neighborhood Business) because that is the district where his businesses currently are. There was the option of attempting B-2 (Highway Business) zoning, but he went with B-1 instead. The two (2) homes are scheduled to be demolished. There are no plans to remove the Ward driveway at this time, but it will eventually be more of a lawn area. Mr. Dinh is happy to work with Mr. Ward to work out those details. Mr. Oatman confirmed that they had plans for a five (5') foot high screening fence. Mr. Oatman stated that there were no definite plans for the

front part of the property, except the possibly a small shopping center. There would be adequate parking space. There are 151 parking spaces shown (approximately 1 space per 100 square feet), which is subject to change. The preliminary building footprints are: martial arts -10,000 square feet, daycare – 5,000 square feet. The hours of operation are roughly 6:00 a.m. until 6:00 p.m. There will not be children playing outside until after 9:30 a.m. With that said, there will not be any early morning or late night noise issues. Regarding consolidation of existing daycares, it would depend on the market at that time. Chair Spann asked how much of the B-1 portion was being utilized by this development. Mr. Oatman stated that all four (4) acres were being utilized with either building or parking area. Mr. Oatman confirmed that they wanted to go through the land use approval before moving farther with details. If more parking were needed, the land is available. Mr. Oatman stated that the total of the B-1 and B-2 area is about seven (7) acres. Scott Seiber asked if contact had been made with Kentucky Department of Highways (KDOH) regarding ingress/egress. Mr. Oatman stated that contact had not yet been made. Mr. Oatman stated that the ingress/egress would consist of making the current driveway location into a commercial entrance, which he estimated at two (2) - 12' lanes with a 25' radius. Mr. Seiber asked if those dimensions would be enough to accommodate turn lanes for drivers entering and exiting at peak times. Mr. Oatman stated that he did not estimate the volume to be significantly more than the Speedway, but if KDOH required it, than widening would be considered. Chair Spann asked if anyone else would like to speak in favor of or in opposition to this development.

Chair Spann swore in J.T. Lee. Mr. Lee stated that he was the adjacent property owner at 1616 College Farm Road and would like to find out more information before siding with favor or opposition. Mr. Lee stated that his family has resided there for almost 26 years. Mr. Lee stated that Jack Ward owned the property at the time, which was used as a horse pasture, which his family enjoyed. Mr. Lee stated that since that time, life in Murray has changed and the property has changed hands. Mr. Lee stated that many feared that apartments would be built there and there was a lot of unknown about what would happen. For several years they have had to make multiple complaints to the city police department to get the property mowed, which only happens once a year, at best. The tall grass tends to cause allergies in the neighborhood. It is almost being considered abandoned property because of such little attention. Mr. Lee stated that given the history, seeing development under the control of the city may be very beneficial. In closing, Mr. Lee stated that the site plan indicating the structures in the rear seemed to be more appealing than other possibilities. Chair Spann asked if anyone else wished to speak in regards to the development. Being none, Chair Spann closed the public hearing.

Scott Seiber stated that the board would have another chance to review the proposal. Candace Dowdy stated that Mr. Dinh would have to come back to the board if he could not meet the minimum requirements regarding items such as signage, setbacks, screening, parking or landscaping. Mr. Seiber agreed that if he were an adjacent property owner, this would seem to be favorable to other types of developments. Mr. Seiber asked if the five (5') fence met the requirement. Ms. Dowdy stated that it would. Mike Pitman stated that this would be the time to make conditions regarding additional screening, building exterior material, etc. Variances regarding signage, setbacks, screening and parking, etc would be handled through the dimensional variance process. Mr. Seiber stated that it concerned him that the board would have to make decisions tonight without a final layout being presented. Mr. Pitman stated that an

option to consider may be to grant a conditional use permit using just the concept plan attaching a condition for the developer to come back to the board for review of a more detailed plan. At that point, the board may have a better grasp on what conditions they wish to attach. Mr. Seiber stated that granting the permit with just a vague plan would leave the board with little or no control. Darren Jones and George Stockton agreed. Candace Dowdy asked the board if they had any objections to the proposed land use. The board did not. Ms. Dowdy went over the minimum screening requirements. George Stockton asked if the finished side of the fence had to face the adjacent property. Ms. Dowdy stated that city regulations did not specify that. Mike Pitman stated that a conditional use permit with the main condition being the time limit for submittal of the detailed plan would allow the developers to proceed and the city would not have to re-notify all the adjacent property owners. Mr. Pitman gave an example of 180 days. Kim Oatman agreed that was enough time. **George Stockton made a motion to grant a conditional use permit to allow the daycare and gymnasium in the B-1 zoning district, as requested, with the condition that within 180 days a final plan will be reviewed by the Board of Zoning Adjustments in order to address possible conditions such as building layout, parking, screening, lighting and landscaping. Scott Seiber seconded the motion.** Mr. Seiber stated that it is not the intention of the board to micro-manage the development, but to review the final plan, now that the land use has been approved. **The motion carried with a 4-0 vote. Ed Davis was excused from the meeting. Andy Dunn was recused from this item.**

The board took a five-minute break.

Dimensional Variance Request For 10' Side Setback Of Fence On Secondary Street—2120 Gatesborough Circle—Janet Kirk: Sam Perry stated that Janet Kirk had erected a fence on the rear property line of 2120 Gatesborough Circle, which extended to the Westgate Drive right-of-way. This is a corner lot. A complaint had been made by an adjacent property owner regarding sight distance coming out of the driveway to the south. Ms. Kirk was not aware of the ten (10') setback requirement. The fence is six and a half (6.5') feet tall. Upon inspection, it was found that the fence extended into the right-of-way about two (2') feet. Mr. Perry stated that the vines on the nearby power pole are also a site-distance concern for the adjacent property owner. Mr. Perry presented photographs of the site explaining what portion would have to be removed. Andy Dunn asked if this was a recent installation of a fence. Mr. Perry stated that it was within the past month. Scott Seiber asked which side the vines were on. Mr. Perry stated that it was shared between the two properties. Scott Seiber asked if removing two (2') feet would be enough to provide a sight window. Mr. Perry stated that it would if the vine was gotten under control. Chair Spann swore in Janet Kirk. Ms. Kirk came forward with Peter O'Rourke. Ms. Kirk stated that she did not realize that a ten (10') setback was required. Ms. Kirk stated that her property was there before Westgate Drive was built in 1974. When it was constructed the hillside had to be cut and a retaining wall was built to cover the sewer pumping station, which caused the road to be off center. After hearing Ms. Kirk's testimony, it was determined that Westgate Drive was not in the center of the right-of-way, and that the fence had been installed up to the right-of-way line. Mr. Perry stated that he had seen the iron pin Ms. Kirk referred to. Chair Spann swore in Peter O'Rourke. Mr. O'Rourke discussed various community concerns. Mr. O'Rourke stated that he was present in support of Ms. Kirk's request. Mr. O'Rourke stated that the roadway location has changed several times over the years. Ms. Kirk stated that she

would like to keep the fence for privacy reasons. The board agreed that the fence would not be a problem if the vine was gone. **Darren Jones made a motion to approve the requested 10' setback variance of the fence from the Westgate Drive right-of-way with the condition that the vine be relocated or trimmed for driveway exit visibility based on the findings that the property corner was found and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations.** Andy Dunn seconded the motion and the motion carried with a 5-0 vote. Ed Davis was excused from the meeting.

Dimensional Variance Request For 2' Height Variance Of Fence In Side Yard On

Secondary Street—901 Doran Road—Russell Schneider: Sam Perry presented a site plan of the fence to be constructed on the corner lot of Doran Road and Magnolia Drive. Mr. Perry also presented photographs of the site. Mr. Perry stated that because this is a corner lot, the maximum for fence height in the front is four (4') feet in either front yard. The planned fence is six (6') feet. The fence will be 17' from the right-of-way. Mr. Perry explained that if the fence extended directly west from the corner of the house, there would be no need for a variance, because a maximum of eight (8') feet would be permitted. Mr. Schneider would like to extend the fence out around an existing tree. Chair Spann swore in Russell Schneider. Chair Spann asked what type of fence was planned. Mr. Schneider stated that it would be a wood privacy fence and that the finished side would face the street and adjacent properties. The board agreed not to regulate the style of fence and saw no problems with the request. **Scott Seiber made a motion to approve the requested two (2') foot height variance for a fence in the sideyard facing Magnolia Drive based on the findings that if the fence extended straight east from the northern edge of the house, a variance would not be required and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations.** The motion carried with a 5-0 vote. Ed Davis was excused from the meeting.

Dimensional Variance Requests For Parking Requirements, An Additional Wall Sign And Height Of Building—1207 North 12th Street—Hampton Inn & Suites:

Candace Dowdy stated that this request comes from Ershig Properties. Ms. Dowdy presented photographs of the site, being vacant property owned by Blondie McClure north of Bee Creek on the west side of North 12th Street. There will be Hampton Inn property, as well as two (2) additional outlots. The planned Hampton Inn building needs an 8'-2" height variance. The maximum height is 35' in the B-2 zoning district. Ms. Dowdy stated that based on city requirements, 108 parking spaces would be required for Hampton Inn. The requirement is based on one and one half (1.5) parking spaces for each room. The site plan shows 90, so they request an 18 parking space variance. The typical Hampton Inn development plans for one (1) parking space for each hotel room, plus one (1) space for every 12 rooms to account for employees. Based on those requirements, with 72 rooms, their own requirement would be 78 spaces. At this time, Ershig Properties, represented by Greg Poole, is also requesting two (2) additional wall signs for the building. Ms.

Dowdy explained that the frontage road will be extended at some point to connect with the Walmart access road. At the closest point, the front building setback is 165'. At the furthest point, the building is 270'. Ms. Dowdy explained that areas in the front would remain green space initially, until the outlot areas are developed. Ms. Dowdy presented elevation and site plans. Scott Seiber asked if other cities have similar hotel parking requirements. Ms. Dowdy stated that a 26 parking space variance was approved for Holiday Inn Express, as well as an 11' height variance. Mike Pitman stated that a comparison study was done several years ago regarding all categories of parking requirements. Mr. Pitman indicated that city requirements were found to be more than adequate. Sam Perry stated that the retail parking requirements were reduced a few years ago from one space per 150 square feet of gross floor area to one space per 200 square feet. Ms. Dowdy stated that the hotel parking requirements have not changed since Holiday Inn in 1998. Ms. Dowdy stated that the original site plan showed fewer parking spaces, but that it has been revised and some property was taken from the potential outlots to provide more onsite parking, more in line with Murray requirements. Darren Jones asked about the existing apartments. Ms. Dowdy stated that they would be demolished. George Stockton asked about the high voltage power line. It was determined that it ran to the north of the development. Ms. Dowdy explained that the proposed wall sign on the east side was well within guidelines. The freestanding sign would be of monument-style, meeting new city requirements. Ms. Dowdy stated that the requested wall signs on the north and south ends of the building are typical for Hampton Inn but are also requested because of the significant building setback on this site. George Stockton asked if a request from Holiday Inn for additional signage was denied. Scott Seiber stated that he felt at that time, as well as now that it was important for hotel type facilities to have adequate sign visibility for newcomers to easily see their destination. Ms. Dowdy stated that the motion to approve the north and south 40 square foot wall signs for Holiday Inn failed with a tie vote. Ms. Dowdy stated that the requested two (2) wall signs for Hampton Inn were 78 square feet and that anything smaller requires special order. Darren Jones asked what would be permitted, based on square footage. Sam Perry stated that based on 2000 square feet, a 200 square foot wall sign would be permitted.

Chair Spann swore in Greg Poole. Mr. Poole stated that they were excited to come to Murray and stated that he was open to questions. Mr. Seiber asked Mr. Poole if the end signs were very important for this development. Mr. Poole confirmed yes. Mr. Seiber stated that the request is less than what would be allowed for the respective wall and that this would be an added convenience for travelers to find their destination. Mr. Seiber asked if the base of the monument sign would match the building. Mr. Poole stated that it would match the base of the building. Mr. Poole stated that the monument sign and temporary construction sign would comply with all city requirements. Candace Dowdy stated that the frontage road would allow the monument sign to be larger. Mr. Poole reminded the board that the wall signs were more important. There will be no electronic reader board on the monument sign. The board discussed separating the motion regarding signage due to the Holiday Inn history. David Roberts read from minutes that although the additional wall signs for Holiday Inn ultimately were denied in 2004, a 40 square foot size variance and five (5') height variance was granted in 2000 for the freestanding sign. Mike Pitman recommended that the board not base their decision solely on the Holiday Inn application, but simply allow other applicants to re-apply, if they desire additional signage. Mr. Seiber stated that his position in almost every other case would be to reduce signage, but this

case is an exception because it is signage for the traveling public. Helen Spann agreed. **George Stockton made a motion to grant an 8'-2" building height variance and an 18 parking space variance based on the findings that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations. Scott Seiber seconded the motion and the motion carried with a 5-0 vote. Ed Davis was excused from the meeting.**

Scott Seiber made a motion to grant two (2) additional wall signs, as requested, one on the north and one on the south walls based on the findings that hotel businesses should be identifiable to their customer group immediately upon entering the community in which they will reside and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations. The motion carried with a 3-2 vote. George Stockton and Andy Dunn voted no. Ed Davis was excused from the meeting.

Public Hearing To Review Request For Conditional Use Permit To Allow Three Non-Related Persons To Occupy The Premises In An R-2 Zoning District—1636 Farmer Avenue—Richard Hoffman:

Helen Spann requested to be recused due to being an adjacent property owner. Scott Seiber took over chairmanship of the meeting. Sam Perry stated that Mr. Hoffman had a purchase contract on the home contingent upon receiving this conditional use permit. Mr. Perry stated that this property was six (6) lots west of the R-4 (Multi-family) zoning district. There is a vacant lot directly to the east. Mr. Perry presented photographs of the property as well as a minor subdivision plat indicating that two (2) feet of the driveway encroached over the property line. There is a crossover easement noted on the plat. Mr. Perry stated that there have been verbal requests to construct multi-family dwellings on the adjacent vacant lot to the east that have been denied. Mr. Perry stated that there would be a married couple and two (2) additional non-related persons. Mr. Perry presented photographs of the property and explained that the driveway was 15' wide and that there was adequate parking in the rear for at least (4) vehicles, depending on how the cars were situated. There is adequate space in the rear for a car to turn around and exit the property in a forward motion. Andy Dunn asked if there were similar conditional use permits on this street. Mr. Perry stated that there was one reviewed at 1628 Farmer Avenue in November 2004 that was approved because it was found to be grandfathered in as a legal nonconforming use. Three (3) non-related persons were permitted. The property being discussed this evening is currently being used in compliance. In 1992, a request was denied at 1704 Farmer Avenue. Mr. Perry stated that there has been some recent research by the city in defining some of the area west of campus to possibly rezone to multi-family. It has been discussed for several years, but no official action has been taken. Several properties in the area west of campus are being used as multi-family even though they are in a single-family zoning district. It has been discussed to not go any farther west than 17th Street. Darren Jones asked if there were any adjacent property owner responses to this application. Candace Dowdy stated that the owner of the vacant lot does not have any opposition to this application, but does wish to notify the city that he is in favor of rezoning to

multi-family for that area. That being said, there was no knowledge of any opposition for this application.

Acting Chair, Scott Seiber swore in Richard Hoffman. Mr. Hoffman read a written statement explaining his desire to live within Murray. Because of his elderly age, his family would like him to be around people. Mr. Hoffman stated that he wishes to help international students by providing housing. Mr. Hoffman described his experiences and accolades for helping people. Mr. Hoffman explained that the home he is interested in purchasing has ample space for four (4) students. There are four (4) bedrooms and one (1) married couple. There are two and one half (2.5) bathrooms. There is a two (2) car garage. There will be a total of three (3) cars on the property. Mr. Hoffman pointed out the students in the audience. Mr. Hoffman stated that there will be no noise from these students. George Stockton asked Mr. Hoffman to explain who would be living there. Mr. Hoffman stated that he is requesting to have a married couple and two (2) other non-related persons residing on the premises, totaling five (5) people, including himself. Mr. Perry stated that the house was in good shape and well-maintained. Mr. Hoffman stated that he realizes that student housing is encroaching west, but that he would like to be a moderating influence in the area. Chair Seiber stated that the board considers the long term effects of granting these permits and that there have been some contentious arguments with these types of applications. Chair Seiber asked if there was anyone else wishing to speak. Chair Seiber swore in Helen Spann. Ms. Spann stated that she has owned an adjacent property since 1980 and that it has always been rented to students. Ms. Spann stated that there is only one (1) adjacent owner-occupied property. Ms. Spann stated that the property in question is of much higher quality than what is typical for the street. Ms. Spann stated that the Hughes', the current owners, have even gone along with the changing neighborhood because they have a home across the street that they rent to students. Chair Seiber asked what the percentage of owner-occupied was in the area. Sam Perry stated that the southern half of the area west of campus and east of 17th Street is roughly 30% owner occupied and the northern half is almost the opposite. Ms. Spann stated that Mr. Hoffman would be a good owner for the neighborhood. Chair Seiber closed the public hearing.

George Stockton asked what the delay in rezoning the area is. Candace Dowdy stated that staff has not had the time to complete the survey that has been started by Payton Mastera, intern. Ms. Dowdy stated that it may initially be brought to the Planning Commission for discussion. Mr. Stockton asked if there was a way for a property to not be grandfathered-in. Mr. Stockton was concerned about the use of this property being passed on to the next property owner. Mr. Stockton commented that it was desirable to him that Mr. Hoffman would reside on the premises. Mike Pitman stated that a condition could be placed on the permit for only the current owner. Ms. Dowdy stated that according to the zoning ordinance, if all the conditions are being met after 12 months, then the use would be considered permitted for future owners, unless there was a condition limiting it to the current owner only. Chair Seiber questioned if the fact of not charging rent would be a finding. Staff commented that it would not be relevant to the land use, citing 403 North 10th Street. Candace Dowdy commented that staff hoped to move forward with the possible rezoning of this area during this year. Mr. Pitman commented that spot zoning of this or other properties would have been short-sighted for the Planning Commission.

Andy Dunn made a motion to grant a conditional use permit to allow four (4) non-related persons to occupy the premises, as requested, based on the findings that there are other multi-family dwellings in the immediate vicinity, the property will be owner-occupied, that this area is being reviewed for possible rezoning and with the condition that this permit be applied only to this owner. George Stockton seconded the motion and the motion carried with a 4-0 vote. Helen Spann was recused from this item. Ed Davis was excused from the meeting.

Chair Seiber asked if there was any further business.

Mike Pitman updated the board that the asphalt plant was disassembling and moving their equipment and operations back to Grand Rivers.

Being of no further business, **Andy Dunn made a motion to adjourn. Darren Jones seconded the motion and the motion carried with a 4-0 voice vote.**

The meeting adjourned at 8:00 p.m.

Acting Chair, Helen Spann

Recording Secretary, Sam Perry